

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

RICHARD HERRERA.

Defendant.  
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**ORDER**

**05-MISC-0189 (NGG)**

By letter dated February 3, 2006, the Government notified this court that the defendant in this matter, Richard Herrera, had failed to submit evidence in support of his objections to the Government's motion to apply funds seized from the Defendant to his outstanding criminal fine judgment. At a hearing held on November 17, 2005, I had ordered the Defendant to make such a submission to the court no later than January 18, 2006. On February 8, 2006, in response to the Government's letter, I issued an electronic order, via ECF, directing the Government to submit a proposed order for the Court's consideration directing the United States Marshals Service to pay funds seized from the Defendant, in the amount of \$4, 767.00, to the Clerk of the Court for the District of New Jersey, for application to the Defendant's criminal fine. In the electronic order, I also extended the Defendant's time to respond to February 15, 2006.

At the current time, I have received no submission from the Defendant regarding evidence of his objections, nor have I received a proposed order from the Government. However, it has come to my attention that the parties to this action may have never received notice of my February 8, 2006 electronic order. The Defendant is a pro se litigant, and as such is not required to have access to ECF. And there appears to be no Government attorney registered on ECF in

connection with this case.

Accordingly, I hereby grant the Defendant until May 15, 2006 to submit to the court objections to the Government's motion to apply seized funds to his criminal judgment. I also direct the Government to submit a proposed order to the court by that date for the court's consideration.

The Clerk of the Court is directed to mail copies of this Order to the parties as follows:

Richard Herrera  
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Assistant United States Attorney  
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SO ORDERED.

Dated: April 12, 2006  
Brooklyn, N.Y.

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/s/  
Nicholas G. Garaufis  
United States District Judge